

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
KENETTA NATASHE MUHAMMAD)	CASE NO. 17-59230-JWC
AKA KENETTA KELLY)	
DEBTOR.)	

)	
THE MONEY SOURCE INC.)	
MOVANT,)	
)	CONTESTED MATTER
V.)	
)	
KENETTA NATASHE MUHAMMAD,)	
LORETTA KELLY, CO-DEBTOR)	
NANCY J. WHALEY, TRUSTEE)	
RESPONDENTS.)	
)	

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT a Motion for Relief from the Automatic Stay has been filed in the above-styled case. In the event a hearing cannot be held within thirty (30) days from the filing of the motion for relief from the automatic stay as required by 11 U.S.C. §362, Movant waives this requirement and agrees to the next earliest possible date, as evidenced by signature below. ***The undersigned consents to the automatic stay (and any related co-debtor stay) remaining in effect with respect to Movant until the court orders otherwise.***

HEARING will be held HEARING will be held **at 9:30 on May 12, 2020 in Courtroom 1203, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case (if you do not have an attorney, you may wish to consult one). If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response, you must attach a certificate stating when, how and to whom

(including addresses) you served the response. Mail/deliver your response so it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's office: **Clerk, Room 1340, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303.**

You must also mail a copy to the undersigned at the address below. In the event a hearing cannot be held within thirty (30) days from the filing of the motion for relief from the automatic stay as required by 11 U.S.C. §362, Movant waives this requirement and agrees to the next earliest possible date, as evidenced by signature below. *The undersigned consents to the automatic stay (and any related co-debtor stay) remaining in effect with respect to Movant until the Court orders otherwise.*

Given the current public health crisis, hearings may be telephonic only. Please check the “[Important Information Regarding Court Operations During COVID-19 Outbreak](#)” tab at the top of the GANB Website prior to the hearing for instructions on whether to appear in person or by phone.

/s/ Chad R. Simon
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_____)

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CODEBTOR
STAY IMPOSED BY 11 U.S.C. § 1301 WITH WAIVER OF THE 30-DAY
REQUIREMENT OF 11 U.S.C. SECTION 362(e)**

COMES NOW The Money Source Inc. (“Movant”), a secured creditor in the above-captioned case, by and through counsel, and moves this Court to enter an order granting its request for relief from the automatic stay imposed by 11 U.S.C. § 362 and from the Co-debtor stay imposed by 11 U.S.C. § 1301 with waiver of the 30 day requirement of 11 U.S.C. § 362(e) and respectfully shows the Court as follows:

1. On May 25, 2017, Debtor filed a petition with the Bankruptcy Court for the Northern District of Georgia under Chapter 13 of Title 11 of the United States Bankruptcy Code.

2. Movant holds a Promissory Note secured by the Security Deed which describes real property owned by Debtor and Co-Debtor known as: 2049 Highview Road

South West, Atlanta, Georgia 30311 (“Property”). A copy of the Note, Security Deed and Assignment of Mortgage, are attached hereto as Composite Exhibit “A” respectively.

3. Debtor executed a Promissory Note secured by a Mortgage or Security Deed. The Promissory Note is either made payable to Movant or has been duly indorsed. Movant, directly or through an agent, has possession of the promissory note. Movant is the original mortgagee or the beneficiary or the assignee of the Security Deed.

4. Upon information and belief, the approximate payoff, exclusive of legal fees and expenses incurred in the connection with the instant motion, due and owing to the Movant as of April 9, 2020 is \$224,312.59.

5. Based on the Debtor’s schedules, the value of the Property is approximately \$78,100.00.

6. Debtor and Co-Debtor are in breach of the terms of the Chapter 13 Plan, Note, and Security Deed by failing to make the necessary post-petition payments and are now due for the October 1, 2017 post-petition payment.

Post-petition arrearages are as follows:

6 Payments at \$1,316.22 for 10/1/2017 through 3/1/2018	\$7,897.32
15 Payments at \$1,474.67 for 4/1/2018 through 6/1/2019	\$22,120.05
10 Payments at \$1,712.89 for 7/1/2019 through 4/1/2020	\$17,128.90
Suspense Balance	(\$386.12)
Total Post Petition Arrearage	\$46,760.15

7. Cause exists for relief from the automatic stay. Direct post-petition mortgage payments are not being made to the Movant as required by the chapter 13 plan. As such, Movant’s interests are not adequately protected.

WHEREFORE, Movant prays the Court as follows:

1. Modify the Automatic Stay of 11 U.S.C. § 362(a) and the Co-Debtor stay imposed by 11 U.S.C. § 1301 to permit Movant to enforce its security interest in the Property including but not limited to any non-bankruptcy remedies to foreclose and obtain possession;

2. Modify Rule 4001(a)(3) of the Bankruptcy Code so that it is not applicable in this case and so Movant may immediately enforce and implement this order granting relief from the automatic stay;

3. In the event relief from the stay is granted, for a determination that the plan no longer provide for Movant's claim pursuant to 11 USC §1322(b)(5) such that further compliance with Rule 3002.1 is no longer necessary;

4. As an alternative to the relief prayed for above, grant adequate protection to Movant for its interest in the Collateral;

5. Movant specifically requests permission to communicate with the Debtors and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law; and

6. Grant Movant such other and further relief as the Court deems just and proper.

/s/Chad R. Simon
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via Regular U.S. Mail and/or Electronic Mail to the parties listed on the attached service list, this 17th day of April, 2020.

SERVICE LIST

Kenetta Natashe Muhammad
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Atlanta, GA 30311

Loretta Kelly, *Co-Debtor*
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Nancy J. Whaley
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